

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 4g-1

Title:

Recommendation to Approve a Plat of Easement for Public Utilities between SC Out Parcels One LLC and the City of St. Charles (3710 E. Main St./Cooper's Hawk).

Presenter:

Chris Bong, P.E.

Meeting: Planning & Development Committee

Date: May 8, 2017

Proposed Cost: \$0

Budgeted Amount: \$

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

The construction of the new Cooper's Hawk building located at 3710 E. Main Street required the installation of new public watermain and electric. Easements are now being granted for access to those public utilities.

Staff has reviewed the attached Plat of Easement and finds it acceptable.

Attachments *(please list):*

Plat of Easement

Recommendation/Suggested Action *(briefly explain):*

Staff recommends approval of a plat of easement for public utilities between SC Out Parcels One LLC and the City of St. Charles and authorize the Mayor and Clerk to execute the same (3710 E. Main St./Cooper's Hawk).

PLAT OF EASEMENT GRANT

OF

PART OF LOT 1 IN THE QUADS ST. CHARLES - UNIT 2, BEING A RESUBDIVISION OF PART OF THE NORTH HALF OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 03, 2015 AS DOCUMENT NUMBER 2015K055077, AND PART OF LOT 1 OF CHARLESTOWNE CENTRE MALL ST. CHARLES, KANE COUNTY, ILLINOIS, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 201785, ALL IN KANE COUNTY, ILLINOIS.

RECORD COURSES FOR LOT 1 IN THE QUAD ST. CHARLES - UNIT 2

LINE	BEARING	DISTANCE	ARC	RADIUS	ARC LENGTH	CHORD BEARING	CHORD DISTANCE
L1	N01°14'17"E	30.00'	C1	111.00'	97.64'	N20°06'45"E	94.52'
L2	N44°55'54"W	27.90'	C2	58.00'	87.02'		
L3	S68°28'49"E	63.67'					

CB = DENOTES CHORD BEARING
 CD = DENOTES CHORD DISTANCE
 DOC. = DENOTES DOCUMENT
 L = DENOTES ARC LENGTH
 NO. = DENOTES NUMBER
 P.O.B. = DENOTES POINT OF BEGINNING
 P.O.C. = DENOTES POINT OF COMMENCEMENT
 R = DENOTES RADIUS

OWNERS CERTIFICATE

STATE OF Delaware)
 COUNTY OF New Castle) SS

THIS IS TO CERTIFY THAT SC Out Parcels One LLC IS THE OWNER OF THE PROPERTY DESCRIBED HEREON AND HAS CAUSED THE SAME TO BE PLATTED AND RECORDED AS INDICATED HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREON INDICATED.

DATED THIS 24th DAY OF March, 2017.

SC OUT PARCELS ONE LLC,
 a Delaware limited liability company

By: IEQ Management Inc.,
 a Delaware corporation,
 its Manager

By: Daniel W. Krausz, President

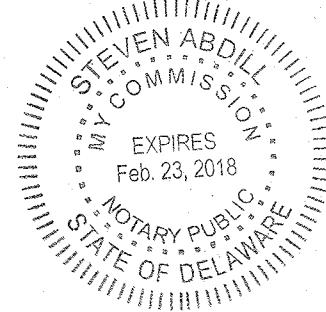
ACKNOWLEDGEMENT

STATE OF Delaware)
 COUNTY OF New Castle)

On the 24 day of March, in the year 2017, before me, the undersigned, a Notary Public in and for said state, personally appeared Daniel W. Krausz, personally known to be or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Steven Abdill
 Notary Public

My Commission expires: Feb 23, 2018



CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF KANE) SS

APPROVED AND ACCEPTED THIS _____ DAY OF _____ A.D. 201____

CITY COUNCIL OF THE CITY OF ST. CHARLES, ILLINOIS,

BY _____
 MAYOR

ATTEST _____
 CITY CLERK

JACOB & HEFNER ASSOCIATES
 1333 Butterfield Road, Suite 300, Downers Grove, IL 60515
 PHONE: (630) 652-4600, FAX: (630) 652-4601
 www.jacobandhefner.com
 Illinois Professional Design Firm
 License No. 184-003073 Exp. 4/30/15

PUBLIC UTILITY EASEMENT PROVISIONS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY OF ST. CHARLES AND TO ALL PUBLIC UTILITY COMPANIES OF ANY KIND OPERATING UNDER FRANCHISE GRANTING THEM EASEMENT RIGHTS FROM SAID CITY OF ST. CHARLES, INCLUDING, BUT NOT LIMITED TO, AMERITECH AND NICOR AND TO THEIR SUCCESSORS AND ASSIGNS (HEREIN COLLECTIVELY REFERRED TO AS "GRANTEES"), IN, UPON, ACROSS, OVER, UNDER AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "PUBLIC UTILITY EASEMENT" ON THE PLAT OF SUBDIVISION HEREON DRAWN FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, INSPECTING, OPERATING, REPLACING, RENEWING, ALTERING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND MAINTAINING ABOVE GROUND AND UNDERGROUND ELECTRICAL SYSTEMS, CABLE TELEVISION, COMMUNICATION, GAS, TELEPHONE OR OTHER UTILITY LINES OR APPURTENANCES, SANITARY AND STORM SEWER, DRAINAGE WAYS, STORM WATER DETENTION AND RETENTION, WATER MAINS AND ANY AND ALL MANHOLES, HYDRANTS, PIPES, CONNECTIONS, CATCH BASINS, BUFFALO BOXES, AND WITHOUT LIMITATION, SUCH OTHER INSTALLATIONS AS MAY BE REQUIRED TO FURNISH PUBLIC UTILITY SERVICE TO ADJACENT AREAS TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE REAL ESTATE PLATTED HEREON FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO MAKE ANY OR ALL OF THE ABOVE WORK. THE RIGHT IS ALSO HEREBY GRANTED TO SAID GRANTEE TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS, OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO UTILITY INSTALLATIONS, WITHOUT LIMITATION, IN, ON, UPON, ACROSS, UNDER OR THROUGH SAID EASEMENTS. IN THE EVENT UTILITY MAINTENANCE IS PERFORMED WITHIN THE UTILITY EASEMENT, THE CITY OF ST. CHARLES WILL HAVE NO OBLIGATION WITH THE RESPECT TO SURFACE RESTORATION INCLUDING, BUT NOT LIMITED TO, RESTORATION, REPAIR, OR REPLACEMENT OF ANY LANDSCAPING PROVIDED, HOWEVER, THE GRANTEE SHALL BE OBLIGATED FOLLOWING ANY SUCH WORK, TO BACKFILL AND MOUND SO AS TO RETAIN SUITABLE DRAINAGE, REMOVE DEBRIS, AND LEAVE THE AREA IN GENERALLY CLEAN AND WORKMANLIKE CONDITION. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENTS, BUT THE EASEMENT AREAS MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, PAVING, FENCES, SIDEWALKS, CURBING, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES AND RIGHTS. WHERE AN EASEMENT IS USED FOR STORM OR SANITARY SEWERS, OTHER UTILITY INSTALLATIONS SHALL BE SUBJECT TO THE PRIOR APPROVAL OF SAID CITY OF ST. CHARLES SO AS NOT TO INTERFERE WITH THE GRAVITY FLOW IN SAID SEWER OR SEWERS UTILITY INSTALLATIONS, OTHER THAN THOSE MANAGED BY THE CITY OF ST. CHARLES, SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF ST. CHARLES, AS TO DESIGN AND LOCATION, AND ALL OTHER INSTALLATIONS ARE SUBJECT TO THE ORDINANCES OF THE CITY OF ST. CHARLES.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF DUPAGE) SS

I, CARL J. COOK, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE PREPARED THE ABOVE PLAT FOR THE PURPOSE OF GRANTING EASEMENTS.

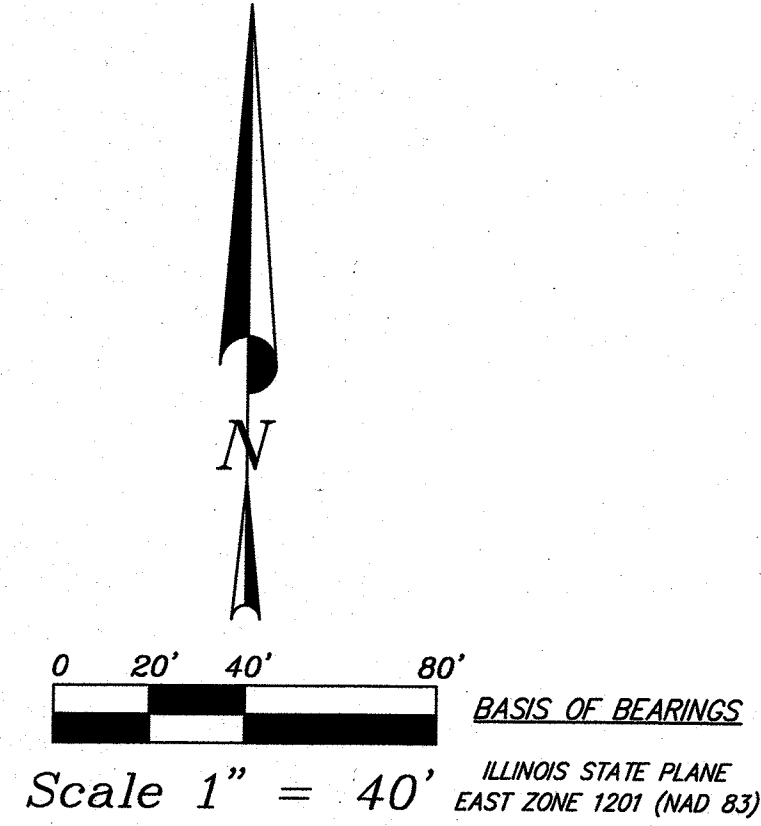
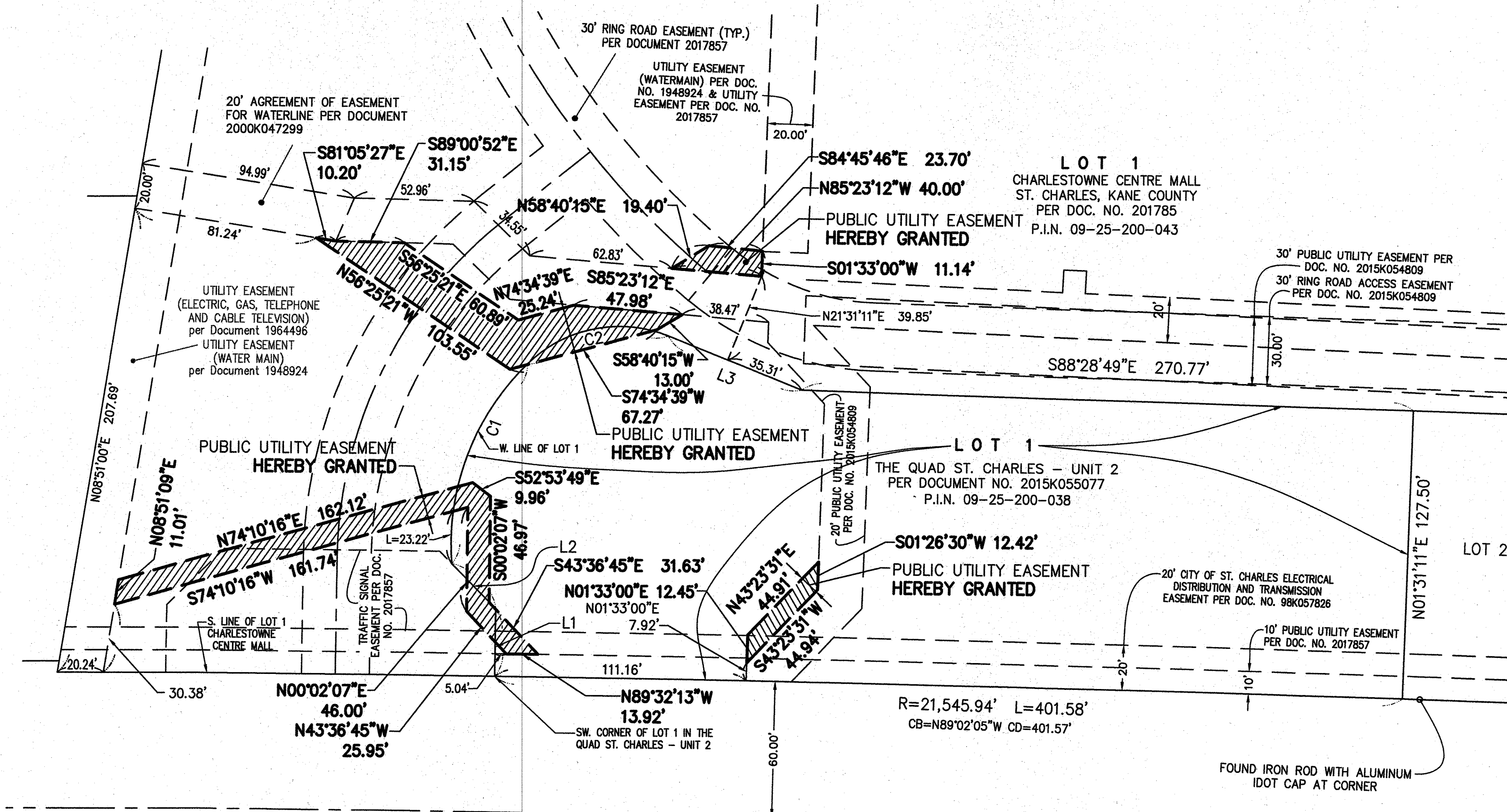
DATED THIS 7TH DAY OF NOVEMBER, A.D. 2016.

Carl J. Cook
 CARL J. COOK
 JACOB & HEFNER ASSOCIATES, INC.
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3543
 MY LICENSE EXPIRES NOVEMBER 30, 2018



Survey No.:	FO21C
Ordered By.:	The Krausz Companies
Description:	PLAT OF EASEMENT
Date Prepared:	NOVEMBER 7, 2016
Scale:	1" = 40'
Field Work:	KP/SC
Prepared By:	REW

REVISED 02-27-17
 REVISED 02-15-17



OWNERS CERTIFICATE

STATE OF California)
 COUNTY OF Napa) SS

THIS IS TO CERTIFY THAT F. Ron Krausz IS THE OWNER OF THE PROPERTY DESCRIBED HEREON AND HAS CAUSED THE SAME TO BE PLATTED AND RECORDED AS INDICATED HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREON INDICATED.

DATED THIS 3rd DAY OF MARCH, 2017.

SC 3800 MAIN LLC,
 a Delaware limited liability company

By: Krausz Management One, LLC,
 a Delaware limited liability company,
 its Manager

By: F. Ron Krausz,
 F. Ron Krausz, its Member

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
 COUNTY OF Napa)

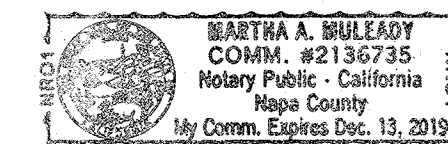
ON MARCH 3, 2017, BEFORE ME, Martha A. Mulready, Notary Public
 DATE HERE INSERT NAME AND TITLE OF THE OFFICER

PERSONALLY APPEARED F. RON KRAUSZ
 NAME(S) OF SIGNER(S)

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/ THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.



SIGNATURE Martha A. Mulready
 SIGNATURE OF NOTARY PUBLIC